

CLIFTON BUDD & DeMARIA, LLP
ATTORNEYS AT LAW

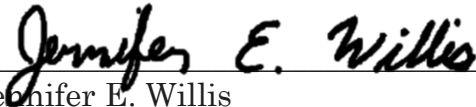
THE EMPIRE STATE BUILDING
350 FIFTH AVENUE, 61ST FLOOR
NEW YORK, NY 10118

April 17, 2024

VIA ECF

Hon. Jennifer E. Willis
U.S. Courthouse
40 Foley Square
New York, NY 10007

This request is DENIED. This Court does not find good cause to stay discovery given the ruling by Judge Abrams that certain claims survived the prior motion to dismiss, and Defendants' concession that the anticipated motion would, at most, partially dismiss the Second Amended Complaint. SO ORDERED.



Jennifer E. Willis
United States Magistrate Judge

April 18, 2024

Re: *Columbo v. Philips Bryant Park LLC, et al.*
22-cv-775(RA)(JW)

Dear Judge Willis:

I write on behalf of the defendants named in Plaintiff's Second Amended Complaint. The parties have prepared a Proposed Case Management Plan and Report which Plaintiff currently possesses and has indicated he will file this evening. Defendants write independently to request that the Court refrain from issuance of a Case Management Plan due to Plaintiff's filing of a Second Amended Complaint.

By Order dated March 15, 2024, the Court dismissed all of Plaintiff's claims against all named Defendants, except for Plaintiff's breach of contract claim against the Hotel and his conversion claim against the Hotel and Defendants Michael Pilevsky and Sheila Chess, and granted leave to file a Second Amended Complaint only as to those claims and as against those Defendants for which he had a good faith basis to do so. On April 12, 2024 (within minutes after Defendants filed opposition to Plaintiff's motion for reconsideration), Plaintiff filed a Second Amended Complaint, naming all of the same Defendants that had been previously dismissed from the action and reasserting nearly all of the same claims previously dismissed. Defendants' time to respond to the Second Amended Complaint has not yet run. Defendants intend to move for partial dismissal of the Second Amended Complaint.

Defendants submit that Defendants submit that it is premature to attempt to define the appropriate scope of discovery until after Defendants' challenge to the Second Amended Complaint is resolved and any remaining defendants answer any remaining claims. Seven of the ten named defendants have previously been dismissed entirely from the action and will seek similar relief now that Plaintiff has filed a Second Amended Complaint. Defendants respectfully propose that a proposed Case Management Plan should be submitted 21 days after any remaining defendants file an answer in the action.

Very truly yours,
/s/
Arthur J. Robb

Cc: All Counsel of Record (via ECF)